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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,712	01/24/2001	Kazuhiro Iwabuchi	81922.0005	3683

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT PAPER NUMBER

2686

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/768,712	KAZUHIRO IW ABUCHI ET AL.	
	Examiner	Art Unit	
	Naghmeh Mehrpour	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-6**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoon (US Patent Number 6,466,292) in view of Meins et al. (US Patent Number 6,587,700 B1).

Regarding **claims 1, 2**, Yoon teaches a portable radio communication apparatus (see figures 1 & 2) which has a sound input device for inputting sound, a sound output device for outputting sound, an input device for inputting various signals (col 3 line 56-67, col 4 lines 1-20) apparatus including:

a first case 10 (see figure 1);

a second case 20 which is rotatably connected to the first case 10 and which can be in open and closed positions with respect to the first case 10 (see figure 2, col 3 lines 30-40),

a first display 30, which is exposed when the second case 20 is in the open position (see figure 2, col 3 lines 1-9);

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a second display 30 (back of first display), which is exposed whether, the second case 20 is in the open or closed position (see figures 1, 2, col 3 lines 134-49);

a first illuminator LCD that illuminates the first display 30 (col 3 lines 30-36);

a second illuminator (same as first illuminator) LCD, which illuminates the second display 30 (back of the first display, see figure 1, col 3 lines 27-45);

an open/closed position detector which detects whether the second case 20 is in the open or closed position (col 4 lines 20-24); and

a controller 111 which controls the electric power supply switch (see figure 4, col 4 lines 43-54), with reference R to what the open/closed position detector has detected (col 7 lines 14-18), to supply electric power to the first illuminator when the second case 20 is in the open position (col 5 lines 54-67, col 6 lines 1-7, lines 25-28), and to supply electric power to the second illuminator LCD when the second case 20 is in the closed position (col 5 lines 60-67, col 7 lines 1-13), and wherein the first display 30 and the second display 30 are constituted by a unitary display device, which can display on both a front side and a backside (see figure 1, col 3 lines 30-36);

Yoon inherently teaches an electric power supply switch, which can switch between lines to supply electric power for illumination to the illuminators (see figure 3, col 8 lines 35-45).

Yoon does not specifically mention that a communication device for communicating various communication data such as audio data, text data, and image data, the portable radio communication, and the second illuminator is different from the second illuminator. However Meins teaches a communication device for communicating various communication data such as audio data, text data, and image data (col 7 lines 53-56), the portable radio communication, and the second illuminator is different from the second illuminator (col 7 lines 43-56).

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Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Meins with Yoon, in order to permit the user to dial a telephone number without the need for a push-button keypad.

Regarding **claims 3, 6**, Yoon teaches a portable communication apparatus wherein the display device is provided in either the first case 10 or the second case 20, and the first case 10 or the second case 20, in which the display device is provided has a window for the first display 30 in the inner face of 10 and has a provided window for the second display 20 in the outer face (see figures 1-2, col 3 lines 30-39).

Regarding **claim 4**, Yoon teaches portable radio communication apparatus portable radio communication apparatus 100 wherein the display device has a first reflective plate on the opposite side to the window for the first display 30 and has a second reflective plate on the opposite side to the window for the second display 30 (col 3 lines 30-36).

Response to Arguments

4. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 703-308-7159.

The examiner can normally be reached on 8:00- 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid be reached on (703) 306-3061.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

August 18, 2004



MELODY MEHRPO
PATENT EXAMINER